

## CRIMINAL DOCKET U.S. District Court

PO	<input type="checkbox"/>	417	3	Assigned 1708 Disp/Sentence
Misd.	<input type="checkbox"/>			JUVENILE ALIAS
Felony	<input checked="" type="checkbox"/>	District	Off	Judge/Magistr.

U.S.  
WRIT  
VS.  
JUVENILE  
ALIAS  
OFFENSE ON INDEX CARD

(LAST, FIRST, MIDDLE)

• CLARK, JOHN EDWARD  
a/k/a Eddie Hatcher

Case Filed  
Mo. 02 Day 09 Yr. 88  
\* No. of 2 Def's • U.S. MAG. CASE NO. ►

Docket No. 88 00007 01

## U.S. TITLE/SECTION

~~SUPERSEDING INDICTMENT FILED 7-12-88 - SAME AS BELOW~~

18§371 Conspiracy to take hostage and to make and possess illegal firearms - CT. 1

18§1203 & 2 Hostage taking and aiding and abetting - CT. 2

18§924(c) & 2 Using a firearm in a crime of violence & aiding and abetting - CT. 3

26§5861(f) & 5871 Making an illegal firearm and aiding & abetting - CTS. 4 & 5

26§5861(d) & 5871 Illegally possessing an unregistered firearm and aiding and abetting - CT. 6

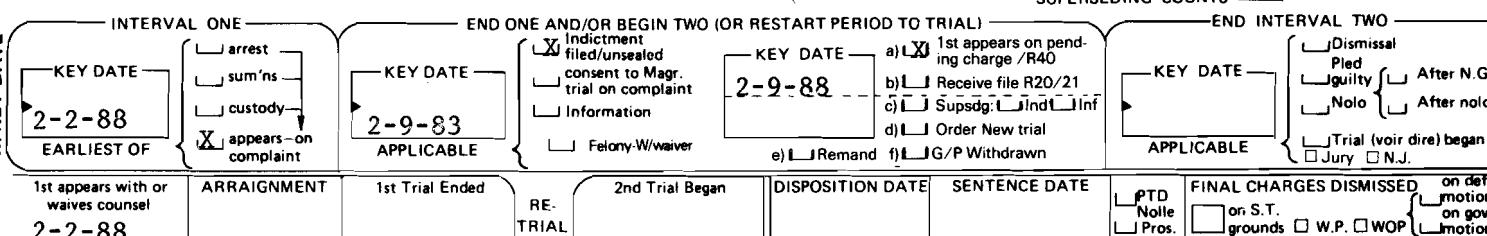
18§844(e) Conveying false information concerning explosives - CT. 7 (Original Indictment dismissed 10-24-88)

SUPERSEDING COUNTS

DISM.	▼	NG
X		
	X	
		X
	X	
		X

## I. CHARGES

## II. KEY DATE

1st appears with or  
waives counsel  
2-2-88

ARRAIGNMENT

1st Trial Ended

RE-  
TRIAL

2nd Trial Began

DISPOSITION DATE

SENTENCE DATE

PTD  
Nolle  
Pros.or S.T.  
on groundsW.P. WOP  
on def  
motion  
on gov't  
grounds

a)  1st appears on pending charge /R40  
b)  Receive file R20/21  
c)  Supsdg. Ind Inf  
d)  Order New trial  
e)  Remand f)  G/P Withdrawn

KEY DATE  
APPLICABLE  
KEY DATE  
APPLICABLE  
KEY DATE  
APPLICABLE

Dismissal  
Pled  
Guilty  
Nolo  
After nolo  
Trial (voir dire) began  
Jury N.J.

## III. MAGISTRATE

Search Warrant	Issued <input type="checkbox"/> Return <input type="checkbox"/>	DATE	INITIAL/NO.	INITIAL APPEARANCE DATE ►	INITIAL/NO.	OUTCOME:
Summons	Issued <input type="checkbox"/> Served <input type="checkbox"/>			PRELIMINARY EXAMINATION OR <input type="checkbox"/> REMOVAL <input type="checkbox"/> HEARING <input type="checkbox"/> WAIVED <input type="checkbox"/> NOT WAIVED <input type="checkbox"/> INTERVENING INDICTMENT	Date Scheduled ►  Date Held ►	<input type="checkbox"/> DISMISSED HELD FOR GJ OR OTHER PRO- CEEDING IN THIS DISTRICT  <input type="checkbox"/> HELD FOR GJ OR OTHER PRO- CEEDING IN DISTRICT BELOW
Arrest Warrant Issued						
COMPLAINT ►						
Date of Arrest	OFFENSE (In Complaint)					

Show last names and suffix numbers of other defendants on same indictment/information:

JACOBS(2)

ATTORNEYS  
U.S. Attorney or Asst.

John Stuart Bruce - AUSA

Defense: 1  CJA. 2  Ret. 3  Waived. 4  Self.

(custody - Butner)

Order withdrawing 6/14/88

Kenneth E. Ransom  
Attorney at Law  
The Law Bldg.  
P. O. Box 877  
Lumberton, NC 28359  
pn: 738-8176

5  Non / Other. 6  PD. 7  CD

withdrawn in open court 8-1-88

Mr. Horace Locklear  
P.O. Box 2142  
431 North Elm St.  
Lumberton, NC 28359  
919-738-5530

BARRY NAKEL  
1310 LeClair  
Chapel Hill,  
27514

\*William M. Kunstler

Ronald L. Kuby

13 Gay St.

New York, New York 10014

(212) 924-5661 and the

Center for Constitutional Rights  
666 Broadway, N.Y., N.Y. 10012

212-614-6464

9/30/88 w/pnd mtns.

70 days up: 4/19/88 w/o mtns.

Prop. A&amp;T: 4/11/88 Pay.

## IV. NAMES &amp; ADDRESSES OF ATTORNEYS, SURTEES, ETC.

FINE AND RESTITUTION PAYMENTS		
DATE	RECEIPT NUMBER	C.D. NUMBER

X Docket Entries Begin On Reverse Side

Release Date	<input type="checkbox"/>				
Bail Denied	<input type="checkbox"/>	Fugitive	<input type="checkbox"/>	Pers. Rec.	<input type="checkbox"/>
AMOUNT SET	\$	<input type="checkbox"/>	PSA	Conditions	<input type="checkbox"/>
NC Date Set	\$	<input type="checkbox"/>	10% Dep.	<input type="checkbox"/>	Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collateral
Date Bond Made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3rd Ppty
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other
POST-INDICTMENT					
Release Date	<input type="checkbox"/>				
Bail Denied	<input type="checkbox"/>	Fugitive	<input type="checkbox"/>	Pers. Rec.	<input type="checkbox"/>
AMOUNT SET	\$	<input type="checkbox"/>	PSA	Conditions	<input type="checkbox"/>
Date Set	\$	<input type="checkbox"/>	10% Dep.	<input type="checkbox"/>	Surety Bnd
<input type="checkbox"/> Bail Not Made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Collateral
Date Bond Made	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	3rd Ppty
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Other
APPEALS FEE PAYMENTS					

DATE DOCUMENT NO. 1988	Yr 88	Docket No. 00007	Def. 01	MASTER DOCKET - MULTIPLE DEFENDANT CASE PROCEEDINGS DOCKET FOR SINGLE DEFENDANT	PAGE [ ] OF [ ]	VI EXCLUDABLE DELAY		
						Start Date End Date	Ltr Code	Total Days
(OPTIONAL) Show last names of defendants								
2-2-88	1.			<b>V. PROCEEDINGS</b>				
	2.			<b>CRIMINAL COMPLAINT FILED</b> <b>WARRANT FOR ARREST ISSUED</b> <b>(Marshal's return)</b> - 2-2-88 Date received 2-2-88 Date of arrest ( Thomas B. McNally, SA - FBI				
2-2-88				<b>INITIAL APPEARANCE AT RALEIGH, NC - C.R. TAMMY MALONE</b> (Court Reporting Services) before U.S. Mag. Wallace Dixon Complaint & warrant filed in open court Attorney, Bruce T. Cunningham, Jr. appeared for purpose of I.A. only, advised of all rights, Deft. sworn. Deft. to notify the court of counsel by 2-12-88, does not contest detention. Waives hearing Court will enter written order. Committed to custody of USM for transporting to Butner, NC jp				
2-2-88	3.			<b>MOTION</b> that the deft be housed forthwith at the Federal Correctional Institution at Butner, NC - filed by AUSA lc: Mag. Dixon				
2-2-88	4.			<b>ORDER</b> that the defts., whose detention has been ordered, be housed forthwith at the Federal Correctional Institution at Butner, NC, and this dentention continue at the Federal Correctional Institution at Butner, Nc during their court proceedings in the EDNC up until such time as they are removed permanently from this District, and/or upon further order of the court. (Mag. Dixon) jp				
2-9-88	5.			<b>NOTICE OF APPEARANCE</b> (for purpose of I.A. only) By: Bruce T. Cunningham, Jr., P. O. Box 540, Southern Pines, NC 28387 jp				
2-9-88	6.			<b>INDICTMENT FILED</b> lc: USA, USPO, USM, Judge Boyle, Mag. Dixon & Fay. Office jp				
2-10-88				<b>NOTE:</b> Received call from Mr. Bob Warren stating that he is going to file Notice of Appearance as to defts. this date. jp				
2-10-88				<b>NOTE:</b> Spoke with Mag. Dixon and he will file an Order of Dentention pending Trial for this deft. and co-deft. There was not an Order filed at the time of the I.A at Fayetteville. jp				
2-10-88	7.			<b>NOTICE OF APPEARANCE</b> BY: Bob Warren, Attorney, P.O. Box 1367 Black Mountain, N.C. 28711, 704-669-7509, <b>Mailing address:</b> Christie Institute-South P.O. Box 1105, Cahpel Hill, N.C. 27514 919-929-0527. (Filed Notice of Appearance as to co-deft. 87-7-01-CR-3 also) jp lc: AUSA, USPO, Judge Boyle, Mag. Dixon jh				
2-11-88	8.			<b>MOTION TO REOPEN DETENTION HEARING</b> - filed by Deft. - lc: Mag. Dixon jp				
	9.			<b>MEMORANDUM IN SUPPORT OF MOTION TO REOPEN DETENTION HEARING</b> - filed by Deft. - lc: Mag. Dixon jp				
2-11-88	10.			<b>JOINT MOTION FOR TRANSFER OF PRE-TRIAL DETAINEES</b> - filed by Govt. lc: Mag. Dixon jp				
2-11-88	11.			<b>FIELD REPORT</b> that deft. was arrested by FBI, Lumberton, NC on 2-1-88. (Rec'd 2-9-88) jp				
2-11-88	12.			<b>MOTION FOR SCHEDULING OF DETENTION/RELEASE HEARING</b> - w/cs counsel of record, lc Mag. Dixon. jp				
2-11-88				<b>ISSUED NOTICE</b> defts. set for hearing of detention on Wednesday, February 17,1988 at 10:00 A.M. in Fayetteville, N.C. before Mag. Dixon Rule 44-C Hearing sch for 10:00 also. jh				

LETTER CODES  
For identifying periods of excludable delay per 18 USC 3161 (h) [Sections in brackets]  
A. Exam or hearing for mental/physical incapacity (18 USC 2424) [(1)(A)]  
B. NARA exam (18 USC 2902) [(1)(B)]  
C. State/Fed. proceedings on other charges [(1)(D)]  
D. Interlocutory appeal [(1)(E)]  
E. Pretrial motion (from filing to hearing or to other prompt disposition) [(1)(F)]  
F. Transfer from other district per FRCR-P 20.21 or 40 or Mag. Rule 6a [(1)(G)]

G. Proceedings under advisement, not to exceed 30 days, after all necessary submissions filed and hearings completed [(1)(J)]

H. Misc. proceedings: arraignment, parole/probation, revocation, Deportation, extradition [(1)]  
5. Deferral of prosecution (per 28 USC 2902) [(1)(H)]

6. Transportation from another district or to/from examination or hospitalization in 10 days [(1)(H)]

7. Consideration of Court of Appeals plea agreement [(1)(J)]

I. Prosecution deferred by mutual agreement [(2)]

M. Unavailability of defendant or essential witness [(3)(A,B)]

N. Period of mental/physical incompetence of def. to stand trial [(4)]

O. Period of NARA treatment/reatment [(5)]

P. Superseding indictment and/or new charges [(6)]

R. Def. awaiting trial of co-defendant & no severance has been granted [(7)]

T. Continuances granted per (h)(8) use "T" alone if more than one of the following reasons (T thru T4) is given in support of continuance [(8)(A,B)]

T1. Failure to continue would stop further proceedings or result in miscarriage of justice [(8)(B,i)]

T2. Case unusual or complex [(8)(B,ii)]

T3. Indictment arrest can't be made in 30 days

T4. Continuance granted to obtain or substitute counsel, or give reasonable time to prepare [(8)(B,iv)]

U. Time up to withdrawal guilty plea, 3161(i)

W. Grand Jury indictment time extended 30 more days, 3161(b)

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

JOHN EDWARD CLARK/ aka Eddie Hatcher

88-7-01-CR-3

AO 256A \*

Yr. Docket No. Def.

DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
2-11-88	13	ORDER  ON PRE-TRIAL SCHEDULING - Pre trial motions, shall be filed no later than March 10, 1988. Responses to motions shall be filed no later than March 21, 1988. Untimely motions and responses will be summarily disregarded. Motion hearings, as necessary, shall be conducted by a judge or magistrate of this court in advance of trial. Mag. Dixon cys. to U.S. Atty., counsel of record				
	14	ORDER  OF DETENTION PENDING TRIAL - By agreement reached between the government and the deft. shortly before the initial appearance, the deft. waived a hearing on release within the statutory time time from set out in 18 U.S.C, § 3142. Accordingly, the defts. are committed to the custody of the A.G. Mag. Dixon, CR OB # 8,p78 cys. dsit. (ent. 2-12-88)	ms			
2-17-88		DETENTION HEARING AT FAYETTEVILLE BEFORE US MAG.  WALLACE W. DIXON. (PROCEEDINGS RECORDED - NO COURT REPORTER - Tapes forwarded to Clerk's Office-Raleigh) Bruce Cunningham, Horace Locklear, Kenneth Ransom appeared for the defendant. Govt and defts exhibits admitted and forwarded to Raleigh Clerk's Office (in case file). Per Fayetteville Order of Detention Pending trial to follow (Defts ordered detained) jh				
2/17-88		NOTE: AT DETENTION HEARING AT FAYETTEVILLE THE ATTORNEYS WERE ORDERED BY THE COURT TO FILE FORMAL NOTICE OF APPEARANCE BY 2/19/88.			jh	
2-18-88	15	ORDER OF DETENTION PENDING TRIAL - for reasons outlined in order the defts have failed to rebut the presumption that no condition of release will reasonably assure the safety of any other person and the community; consequently, they should be held in detention pending trial. Accordingly the defts are committed to the custody of the Attorney General or his authorized representative.  (US Mag. Wallace W. Dixon) c: USM, USPO, AUSA, Counsel of Record.				
2-18-88	16	SECOND MOTION TO REOPEN DETENTION HEARING-  by: Horace Locklear, Ken Ransom, Bob Warren, Allen Gregory, Bruce Cunningham., Counsel for Deft.s 1c: Mag. Dixon. jh				
2-18-88	17	2-17-88 defts held in detention pending trial. Since the close of the hearing, counsel for deft Jacobs has telephonically moved the court reopen said hearing on the basis of evidence discovered after the close of proceedings on 2/17/88. The oral motion is ALLOWED and all counsel were so notified by 10:00 o'clock a.m. this morning.  The matter is REOPENED FOR FURTHER EVIDENCE AND IS scheduled for hearing 2/19/88 at 10:00 a.m. at Fay, NC				

## UNITED STATES DISTRICT COURT

## CRIMINAL DOCKET

AO 256A

DATE (Document No.)	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
		<b>CONTINUATION OF ORDER - SO ORDERED (US Mag. Wallace W. Dixon). 1c: USM, USPO, AUSA, Counsel of Record for both defts. jh</b>				
2-18-88	19	<b>ORDER</b> Pursuant to the attached subpoena, Mr. Mike Mangiamelli, reporter for the The Robesonian, is hereby <b>ORDERED</b> to appear before this court on Friday, Feb. 19, 1988 at 10:00 a.m. in Fay for testimony concerning informaiton supplied to the court at yesterday's hearing. The attached subpoena is to be personally served on Mr. Maniamelli by the USM. If for any reason this subpoena is not honored a warrant for the arrest of Mr. Maniamelli will issue under the material witness provisions. The warrant would then be immediately served by the USM so that the above scheduled hearing could proceed tomorrow as scheduled. (US Mag. Wallace W. Dixon) O.B.#8, P.87 cy: USM. jh				
2-19-88		<b>DETENTION HEARING AT FAYETTEVILLE -</b> Before US Mag. Wallace W. Dixon (C.R.-Donna Tomawski) After all evidence presented the Court decides that the defts are to remain in detention pending trial.(Deft & Govt Exh admitted) jh				
2-19-88	19	<b>NOTICE OF APPEARANCE</b> w/cs by: Horace Locklear, Attorney at Law, 431 North Elm St., P.O. Box 2142 Lumberton, NC 28359, 919-738-5530. 1c: Judge Boyle, Mag. Dixon, USPO, AUSA jh				
2-23-88	20	<b>ORDER</b> that on the second motion of the deft's, the detention hearing was reopened and court declined the deft's request that they be released and that they must be detained pre-trial under the same directions as contained in the 2-18-88 Order. Also the court reprimanded Mr. Bob Warren, Esq., Atty. for the deft. and if his conduct is repeated, or other violations of professional responsibility occur, the court will not hesitate to level significantly more severe sanctions. (Mag. Dixon) CR. O.B.#8, P. 102. Copies to USA, USM, USPO, Deft's counsel. jp				
2-24-88	21	<b>NOTICE OF APPEARANCE</b> - w/cs by: William M. Kunstler-Ronald 13 Gay St., New York, New York, 10014 212-924-5661 and the Center for Constitutional Rights, 666 Broadway, N.Y., N.Y., 10012 212-614-6464 1c: AUSA, USPO, Judge Boyle, Mag. Dixon jh	L. Kuby			
3-4-88	22	<b>MOTION TO WITHDRAW AS COUNSEL</b> - Bruce T. Cunningham, Jr. P. O. Box 540, Southern Pines, NC 28387 - 1c: Mag. Dixon jp		3-4-88	E	1
3-4-88	23	<b>ORDER</b> allowing Attorney Bruce T. Cunningham, Jr. to withdraw as counsel for the deft. (Mag. Dixon) CR. O.B.#8, P. 115. Copies to USA, USPO, Counsel of record. jp		3-4-88		

## UNITED STATES DISTRICT COURT

CRIMINAL DOCKET

U. S. vs JOHN EDWARD CLARK/ aka Eddie Hatcher

88-7-01-Cr-3

AO 256A \*

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
3-4-88 24.	MOTION TO RECONSIDER AND VACATE SO MUCH OF THE ORDER ON REHEARING (February 23, 1988) AS PERTAINS TO BOB WARREN, OR IN THE ALTERNATIVE, NOTICE OF APPEAL- w/cs by: Bob Warren, P.O. Box 1367, Black Mountain 1c: Judge Boyle jh	3-4-88 5-9-88	E	60	
3-4-88 25.	DEFENDANTS' MOTIONFOR REVIEW AND APPEAL OF DETENTION ORDER- w/cs by: Bob Warren - 1c: Judge Boyle jh	3-4-88 5-9-88	E	60	
3-10-88 26.	REQUEST FOR DISCLOSURE - w/cs by: All counsel for defts. 1c: Mag. Dixon jh	3-10-88			
3-10-88 27.	MOTION FOR EXTENSION OF TIME TO FILE ADDITIONAL MOTIONS- w/cs by:All counsel for defts. jh	3-10-88 3-23-88	E	13	
3-10-88 28.	MOTION FOR PRODUCTION OF TESTIMONY HEARD BY GRAND JURY AND FOR EXAMINATION OF GRAND JURY MINUTES AND EVIDENCE (Rule 6 (3), Fed.R.Crim. Proc. - w/cs by: Counsel for defts. jh MEMORANDUM IN SUPPORT OF MOTION FOR PRODUCTION OF TESTIMONY HEARD BY GRAND JURY AND FOR EXAMINATION OF GRAND JURY MINUTES AND EVIDENCE - 1c: Mag. Dixon jh	3-10-88 3-23-88			
3-10-88 29.	MOTION TO INSPECT AND COPY GRAND JURY SELECTION RECORDS AND PETIT JURY SELECTION RECORDS (28 U.S.C., §1861 et. seq.)- w/cs by: all Counsel for defts. MEMORANDUM IN SUPPORT OF MOTION TO INSPECT AND COPY GRAND JURY SELECTION RECORDS AND PETIT JURY SELECTION RECORDS- 1c: Mag. Dixon jh	3-10-88 3-23-88	E	26	
3-10-88 30.	MOTION FOR BILL OF PARTICULARS Rule 7(f), Fed.R.Crim. Proc. w/cs by: All Counsel for defts. MEMORANDUM IN SUPPORT OF MOTION FOR BILL OF PARTICULARS 1c: Mag. Dixon jh	3-10-88 3-23-88	E	18	
3-10-88 31.	MOTION TO DISMISS COUNTS OF THE INDICTMENT NUMBERED AND DESIGNATED FIRST, SECOND, AND THIRD - w/cs by: All counsel for defts. MEMORANDUM IN SUPPORT OF MOTION TO DISMISS COUNTS OF THE INDICTMENT NUMBERED AND DESIGNATED FIRST, SECOND AND THIRD- 1c: Judge Boyle jh	3-10-88			
3-10-88 32.	MOTION TO DISMISS INDICTMENT FOR LACK OF JURISDICTION- w/cs by: All counsel for defts MEMORANDUM IN SUPPORT OF MOTIONTO DISMISS INDICTMENT FOR LACK OF JURISDICTION - 1c: Judge Boyle jh	3-10-88			
3-16-88 33.	RESPONSE TO MOTION TO RECONSIDER AND VACATE MAGISTRATE's ORDER OF FEBRUARY 23, 1988 AS IT PERTAINS TO BOB WARREN- w/cs by: John Bruce, AUSA - 1c: Judge Boyle jh				
3-16-88 34.	RESPONSE TO DEFENDANTS' MOTION FOR REVIEW OF DETENTION ORDER - w/cs by: John Bruce, AUSA - 1c: Judge Boyle jh				
3-17-88 35.	RESPONSE TO MOTION TO DISMISS INDICTMENT FOR LACK OF JURISDICTION - w/cs by: John S. Bruce, AUSA 1c: Judge Boyle jh				
3-17-88 36.	RESPONSE TO MOTION FOR EXTENSION OF TIME TO FILE ADDITIONAL MOTIONS - w/cs by: John S. Bruce, AUSA 1c: Mag. Dixon jh				
3-18-88 37.	ORDER - that the hearing scheduled for 3-21-88 in New Bern, N.C. is hereby continued until further notice. This court will promptly schedule the hearing as soon as defense counsel has had an opportunity to review the transcripts and advises this court that they are ready to proceed - (Judge Boyle) CR. O.B. #8, P. 132. Copies mailed to USA, USPO, USM and Deft's counsel. jp				

## UNITED STATES DISTRICT COURT

## CRIMINAL DOCKET

AO 256A

DATE 1988	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
3-18-88	Vol.	<b>TRANSCRIPT</b> of detention hearing on Friday, February 19, 1988 before The Honorable Wallace W. Dixon, U.S. Magistrate - Pages 1-118		jp		
3-21-88	38.	<b>RESPONSE TO MOTION TO DISMISS COUNTS, ONE, TWO AND THREE OF THE INDICTMENT</b> - w/cs by: John S. Bruce, AUSA				
		1c: Judge Boyle	jh			
3-21-88	39.	<b>RESPONSE TO MOTION FOR PRODUCTION OF TESTIMONY HEARD BY GRAND JURY AND FOR EXAMINATION OF GRAND JURY MINUTES AND EVIDENCE</b> - w/cs by: John S. Bruce 1c: Mag. Dixon jh				
3-21-88	40.	<b>RESPONSE TO MOTION TO INSPECT AND COPY GRAND JURY SELECTION RECORDS AND PETIT JURY SELECTION RECORDS</b> - w/cs by: John S. Bruce, AUSA 1c: Mag. Dixon jh				
3-21-88	41.	<b>RESPONSE TO MOTION FOR BILL OF PARTICULARS</b> - w/cs by: John S. Bruce, AUSA 1c: Mag. Dixon jh				
3-23-88	42.	<b>ORDER</b> - that the deft's motion for an extension of time to file additional motions is denied for the reason that the asserted basis for additional time is speculative - (Mag. Dixon) Copies mailed to USA & all counsel of record.	jp			
3-25-88	43.	<b>GOVERNMENT'S RESPONSE IN OPPOSITION TO DEFENDANT'S MOTION FOR RECONSIDERATION OF DETENTION ORDER</b> - w/cs by: William A. Webb 1c: Mag. Dixon jh				
3-25-88	43.	<b>SUPPLEMENTAL RESPONSE TO MOTION TO INSPECT AND COPY GRAND JURY SELECTION RECORDS AND PETIT JURY SELECTION RECORDS</b> - w/cs by: William A. Webb 1c: Mag. Dixon jh				
3-25-88	Vol.	<b>TRANSCRIPT</b> of Detention Hearing on February 17, 1988 before Hon. Wallace W. Dixon, U.S. Mag. presiding - tapes typed by: C.R. Donna Tomawski - Pages 1 thru 124 - 1c: Judge Boyle				
3-28-88	44	<b>ORDER</b> defts' motion for production of grand jury testimony and examination of grand jury evidence is <b>DENIED</b> . (US Mag. Wallace W. Dixon) O.B.#8, P.138		jp		
3-28-88	45	<b>ORDER</b> defts' motion for a bill of particulars is <b>DENIED</b> . (US Mag. Wallace W. Dixon) O.B.#8, P.139				
3-29-88		1c: AUSA, Counsel of Record- jh				
3-29-88		<b>LETTER</b> from: N.C. Commission of Indian Affairs requesting that Mag. Dixon release the defts to attend the funeral services of Mr. Pierce. 1c: Mag. Dixon jh				
		<b>Note:</b> Mag. Dixon advised the Clerk's Office that he was not going to rule on the above letter due to the fact this is not a formal motion by the attorneys	jh			

AO 256A \*

Yr. Docket No. Def.

DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
4-4-88	46	<p><b>ORDER</b> the defendants' motion for inspection and access to jury service and selection data in this district, pursuant to 28 U.S.C., §11867, is GRANTED to the extent defendants are entitled to review and copy the following materials:</p> <ol style="list-style-type: none"> <li>1. records used in creating the master qualified jury wheels for the Fayetteville Division of this district under the 1984 wheel;</li> <li>2. the Jury Selection Plan for the EDNC</li> <li>3. records used in both grand and petit jury selection of names in the Fayetteville Division under the 1984 wheel;</li> <li>4. juror qualification questionnaires related to the drawing of names and empanelling of the grand jury which indicted the defendants;</li> <li>5. court orders or internal memoranda related to the drawing of names and empanelling of the grand jury which indicted the defts;</li> <li>6. records relating to the disqualification or excusal of jurors for both the grand and petit jury in the case and for all grand juries empanelled in the Fayetteville Division since Jan. 1, 1984;</li> <li>7. records concerning any numbers assigned to a juror, the selection of starting numbers, subsequent selection of jurors by number, and the total numbers of jurors selected for each jury empanelled in the Fayetteville Division since Jan 1, 1984;</li> <li>8. the names, addresses, and any information regarding the race, sex, and age of the forepersons and numbers of each grand jury chosen in the Fayetteville Division since Jan. 1, 1984 and,</li> <li>9. the names, addresses, and any information regarding the race, sec, and age of the members of the grand jury which indicted the defts.</li> </ol> <p>(US Mag. Wallace W. Dixon) O.B.#8, P.149, 1c: AUSA Jury Section, Counsel of Record.</p>				
4-7-88	47	<p><b>APPEAL FROM MAGISTRATE'S ORDER, FILED MARCH 28, 1988, DENYING DEFENDANTS' MOTION FOR BILL OF PARTICULARS -</b></p> <p>w/cs by: all counsel signed by: Alan Gregory 1c: Judge Boyle</p>		jh		
4-13-88		<p><b>ISSUED NOTICE -</b> For Hearing on Review and Appeal of Detention Order. Tuesday, April 14, 1988 at 10:00 A.M. in New Bern Before Judge Boyle. 1c: AUSA, USPO, USM, Joyce Todd-Civil, Court Reporter, Judge Boyle, Kenneth E. Ransom, Horace Locklear, William M. Kunstler, Ronald L. Kuby.</p>		jh		
4-14-88	48	<p><b>MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE COUNTS OF THE INDICTMENT NUMBERED AND DESIGNATED FIRST, SECOND AND THIRD -</b> with attachments and c/s 1c: By: Defts. 1c: Judge Boyle</p>		jh		
4-14-88	49	<p><b>MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION FOR REVIEW AND APPEAL OF DETENTION ORDER -</b> w/cs by: Defts 1c: Judge Boyle</p>		jh		

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
4-15-88	50. ORDER ON SCHEDULING - Deft's motion for review of the detention order of the magistrate will be heard in New Bern, NC on Tuesday, April 19, 1988 at 10:00 a.m. Hearing will be limited to a review of transcripts from hearing before the magistrate on 2-17-88 and 2-18-88. (Judge Boyle) CR. O.B.#8, P. 205. Copies to USA, Counsel of record, USM, USPO				
4-19-88	51. MOTION TO CONTINUE TRIAL - filed by Defts counsel - lc: Judge Boyle	jp			
4-19-88	52. AFFIRMATION - of William M. Kunstler - lc: Judge Boyle	jp			
4-19-88	<b>HEARING ON MOTION FOR REVIEW &amp; APPEAL OF DETENTION ORDER -</b> At New Bern, NC - C.R. - Donna Tomawski - Judge Boyle Court ruled that deft. committed to remain in custody of USMS. Court will enter written order.	jp			
4-25-88	53. RESPONSE TO MOTION TO CONTINUE - w/cs by: John Bruce, AUSA lc: Judge Boyle	jh			
4-25-88	54. ORDER - this order was substantially announced from the bench at hearing on April 19 and has been re-entered on April 22 from chambers. (Judge Boyle) O.B.#8, P.218 cy: AUSA, Counsel, USPO, USM	jh			
4-22-88	54. MEMORANDUM IN OPPOSITION TO DEFENDANTS' MOTION TO VACATE ORDER OF DETENTION ON TIMELINESS GROUNDS - w/attachments by: John S. Bruce, SAUSA lc: Judge Boyle	jh			
*4-22-88	55. TRANSCRIPT - Before US Mag. Wallace W. Dixon At Ral, NC 2/2/88 at 3:50 A.M. Reporter by: Tami D. Malone, Court Reporting Services	jh			
4-26-88	56. SUPPLEMENT TO GOVERNMENT'S APRIL 22, 1988, MEMORANDUM ON DETENTION HEARING TIMELINESS - filed by Deft. lc: Judge Boyle	jp			
4-28-88	57. MEMORANDUM IN SUPPORT OF DEFT'S MOTION TO REVOKE THE MAGISTRATE'S ORDER OF DETENTION AND ADMIT THEM TO REASONABLE BAIL - filed by Deft. lc: Judge Boyle	jp			
5-3-88	58. AFFIDAVIT OF BOB WARREN - lc: Judge Boyle	jp			
5-9-88	59. ORDER the hearing of Feb. 2, 1988, was a detention hearing under 18 U.S.C., §3142. This hearing was conducted in timely fashion under the statute. Defts motion to revoke the Magistrate's order of detention is therefore DENIED. O.B.#8, P.335. (Judge Boyle) lc AUSA, Counsel of Record, USPO, USM	jh			
5-12-88	60. ORDER This matter comes before the court on the motion of the deft. for a continuance of this case currently set for trial on May 9, 1988 in Raleigh, N.C.. Defendants move on the grounds they require additional time to prepare their defense in this case. Accordingly the court finds that the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendants in a speedy trial. This case is reset before the	that			

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CLARK, JOHNEDWARD a/k/a Eddie Hatcher

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			(a)	(b)	(c)	(d)
5-16-88	61	This case is reset before the court and will be heard on June 20, 1988 in Raleigh, N.C. before the undersigned U.S. District Judge. The period of delay necessitated by this continuance is excluded from speedy trial computation. Judge Boyle, CR OB # 8, p 338 cys. to U.S. Atty., and Counsel of record. ( Ent. 5-18-88) ms				
		<b>ORDER</b> To the correspondence of counsel Warren dated May 11, 1988, the pre-trial service report includes the release proposals of the deft. The court will review the pre-trial service reports to determine if any modification should be made in the orders on detention which are now in force. However, these orders are to be construed as final at this time with the understanding that the court may reopen them if circumstances warrant. Judge Boyle, CR OB # 8, p 339 cys to U.S. Atty and Counsel of record, (ent. 5-18-88) ms				
5-18-88	62	<b>MOTION TO INCLUDE IN THE RECORD PRETRIAL SERVICES REPORTS</b> w/cs by: John Bruce lc: Judge Boyle w/memo jh			5-18-88	
5-20-88		<b>RECEIVED</b> Letter dated 5/19/88 in re: deft request for names and address of persons who are currently serving on the Fay Grand Jury (By: John Bruce) c: Judge Boyle jh			6-1-88	14E
5-19-88	63	<b>NOTICE OF APPEAL</b> - lc Judge Boyle, lc 4th Circuit packet mailed to Mr. Warren's Office in Chapel Hill				
	64.	<b>MEMORANDUM OF DEFENDANT REGARDING CONDITIONS FOR HIS RELEASE PENDING TRIAL</b> - w/cs U.S. Atty., ms				
5-31-88	65	<b>MOTION FOR DISCLOSURE OF INFORMATION CONCERNING FOREPERSONS AND DEPUTY FOREPERSONS OF GRAND JURIES IN THE EASTERN DISTRICT</b> by: Bob Warren, Counsel - lc: Judge Boyle jh			5-31-88	E1
*5-25-88		<b>RECEIVED:</b> copy of letter form Bob Warren to John Bruce in re: Grand Jury jh			6-7-88	
5-31-88		<b>RECEIVED:</b> copy of letter to Judge Boyle from Bob Warren re: Proposed trial date of June 20, 1988 jh				
6-1-88	66	<b>ORDER</b> Because the Pre-trial Services Reports were not before the court at the time the detention order was issued, however, this court finds that they are not relevant to that end. Accordingly, the motion is Denied. (Judge Boyle) O.B.#9, P.3 - c: AUSA, Counsel jh				
6-1-88	67	<b>ORDER</b> the court will reset this case for trial at the July 11, 1988 criminal term before the undersigned in Raleigh. The time intervening between this motion and the calendaring of the case for trial on July 11, 1988 will be excluded from computation under the Speedy Trial Act. This resetting permanently sets this case at the July 11 term. (Judge Boyle) c: AUSA, Counsel - O.B.#9, P.4 jh			6-1-88	40 E
					7-11-88	

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		(a)	(b)	(c)	(d)
*5-19-88	<b>RECEIVED:</b> Referral from Judge Boyle to Mag. Dixon on Motion to Include in The Record Pretrial Services Reports jh				
6-2-88	<b>RECEIVED:</b> Letter from Bob Warren to Judge Boyle dated 6/1/88. c: Judge Boyle jh				
6-7-88	<b>68 MOTION TO WITHDRAW AS COUNSEL</b> - by: Kenneth E. Ransom, Counsel 1c: Judge Boyle w/memo jh	6-7-88	E7		
6-7-88	<b>69 ORDER</b> on defts motion for disclosure of grand jury information in an abundance of caution, the court GRANTS deft's motion to the extent it ORDERS the Clerk to disclose the name, address, sex, and race of the forepersons of all grand juries in this district since 1980. The motion must be and hereby is DENIED for all prior to that date, although I note that some of the information sought is set forth in HOBBY at 468 U.S. 340 and 104 S. Ct. 3094. Furthermore, defts and their counsel are BARRED from contacting any present or former members of any grand jury in this district, including forepersons and deputy foreperson, absent a specific order of this court allowing such contact an order which I issue only upon a clear and convincing showing of exceptional circumstances and compelling need. <b>(Mag. Dixon) O.B.#9, P.8. c: AUSA, Counsel of Record</b> jh	6-7-88			
6-7-88	<b>VOL TRANSCRIPT</b> - DETENTION HEARING BEFORE THE HONORABLE TERRENCE W. BOYLE, US DIST. JUDGE, Tues., April 19, 1988 (C.R.-Donna Tomawski) jh				
6-15-88	<b>Mailed appeal matters ( Detention) to 4th Circuit Court of appeals this date.</b>				
6-14-88	<b>70 ORDER</b> on defts motion for Kenneth E. Ransom to withdraw as counsel - the court will ALLOW the motion. the deft is given ten days from the date of this order within which to indicate any dispute with counsel regarding his withdrawal from representation. This order is otherwise final. <b>(Judge Boyle) O.B.#9, P.17</b> c: AUSA, Counsel of Record jh				
6-24-88	<b>71 DEFENDANT'S MOTION FOR DISCLOSURE OF INFORMATION CONCERNING MEMBERS OF GRAND JURY IN THE FAYETTEVILLE DIVISION OF THE EASTERN DISTRICT OF NORTH CAROLINA SINCE 1980</b> 1c: Judge Boyle w/memo -	6-24-88	7-4-88	E13	
6-24-88	<b>-- ISSUED NOTICE TO APPEAR</b> for arraignment and trial on 7-11-88 in Raleigh, N.C. at 10:00 a.m. before Judge Boyle - Copies to AUSA, Counsel of record, Judge Boyle jp				
7-26-88	<b>70 days up: 9/30/88 with excludable time thru 7/11/88 with pending motions</b>				

## UNITED STATES DISTRICT COURT

CRIMINAL DOCKET U. S. vs CLARK, John Edward, a/k/a Eddie Hatcher

88-7-01-CR-3

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
* 6-24-88	(Document No.) <b>RECEIVED:</b> Motion for disclosure of information concerning members of Grand Juries in Fay Div. referred to Mag. Dixon. w/memo from Judge Boyle jh  <del>6X34X88 XXXXXMOTION FOR DISCLOSURE OF INFORMATION CONCERNING MEMBERS XXXXX FOR GRAND JURIES IN THE FAY DIVISION OR THE EASTERN DISTRICT OF NC SINCE 1980 XXXXXXXXXX MEMORANDUM KNX SUPPORT XOF MOTION FOR DISCLOSURE OF INFORMATION XXX CONCERNING MEMBERS OF GRAN JURIES XIN THE FAY XXXXXXXXXX EDNC XIN 1980 XXXXXXXXXX</del>				
6-29-88	<b>WRIT</b> - AFFIDAVIT AND MOTION FOR HABEAS CORPUS AD TESTIFICANDUM FOR JOHN DAVID HUNT - For Trial on 7/11/88 at Raleigh, NC Before Judge Boyle. 4c: AUSA jh				
7-1-88	<b>MOTION TO CHANGE VENUE OF TRIAL FROM RALEIGH DIV. TO FAY DIV.</b> by: Bob Warren w/cs lc: Judge Boyle - w/attachments jh				
7-5-88	<b>11 HEREWITH IS THE MANDATE OF THIS COURT</b> - the certified judgment and orig. record on appeal are returned ONLY to the district court - the record will be reutrned at a later date - John M. Gracen, Clerk by: Judith L. Evans, D.C. c: Mag. Dixon, Judge Boyle jh				
7-5-88	<b>JUDGMENT</b> - Appeal from the US District court for the EDNC. ON CONSIDERATION WHEREOF, it is now here ordered and adjudged by this Court that the judgment of the said District Court appealed form, in this cause, be and the same is hereby, <b>reversed</b> . The case is hereby remanded to the US District Court for the EDNC at Ral for further proceedings consistent with the opinion of this court filed herewith. The mandate shall issue forthwith ( <b>John M. Greacen, Clerk</b> ) c: <b>Judge Boyle, Mag. Dixon, USM</b> jh				
7-5-88	<b>16 UNPUBLISHED OPINION</b> - Fourth Circuit - reverse the district court's detention order as fatally falwed by the failure to hold a atimely detention hearing. We rremand to the district court for a prompt determination of appropriate conditions of pretrial release in accordnace with 18 U.S.C., §3142(c). It is directed that the mandate issue forthwith <b>REVERSED AND REMANDED</b> . (Before Phillips, Ervin and Wilkins, Circuit Judges. c: <b>Judge Boyle, Mag. Dixon,</b> jh				
7-5-88	<b>17 OBJECTIONS TO DISTRICT COURTS DISPOSITION ON REMAND AND REQUEST FOR STAY</b> - by: John Bruce, AUSA w/cs lc: Judge Boyle, Mag. McCotter jh				
7-5-88	<b>RECEIVED:</b> Motion will be decided by the Judge without oral argument-to cahnge venue of trial. jh				
7-5-88	<b>18 MOTION FOR CONTINUANCE</b> - w/cs by: William Kunstler - to cont. trial set for 7/11/88 at Ral. lc: Jduge Boyle jh				
7-6-88	<b>79 NOTICE OF APPEAL TO DISTRICT JUDGE AND MOTION FOR STAY OF RELEASE ORDER</b> - w/cs by: John Bruce, AUSA lc: Judge Boyle jh				
7-5-88	<b>-- AT NEW BERN - C.R. DONNA TOMAWSKI- MAGISTRATE McCOTTER</b> Hearing regarding bond - Govt. proffers narrative evidence - defense evidence by sworn testimony; deft. released on \$100,000.00 unsecured bond, 3rd party custodial status with additional conditions, Govt. gave notice of appeal of court's ruling and				

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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
7-5-88 80.	requested a stay of the Order setting forth conditions of release; request for stay denied by the Court; deft. affirmed as to speedy trial restrictions; deft. has no passport. <b>ORDER SETTING CONDITIONS OF RELEASE</b> - \$100,000.00 unsecured bond. Deft. be released and placed in third party custody of Jim Hatcher and released on the following conditions: 1. Deft. maintain or actively seek employment 2. Deft. not be present in Robeson County and not leave boundaries of N.C. 3. avoid all contact with any govt. witnesses 4. report on a regular basis to U.S. Probation office once daily by telephone; 2 times weekly in person & by discretion of U.S. Probation office 5. Deft. must return to residence or place of abode of custodian by 9:00 p.m. each day 6. refrain from possessing a firearm or dangerous weapon 7. refrain from excessive use of alcohol or possession of a narcotic drug or other controlled substances. 8. obtain no passport 9. Deft. must contact his attorney at least once weekly & keep counsel informed of his whereabouts & how he can be reached. (Mag. McCotter) Copies to AUSA, USPO and Deft. jp				
7-5-88 81.	<b>APPEARANCE BOND</b> - \$100,000.00 unsecured - Copies to AUSA, USPO & Deft. jp				
7-6-88 82.	<b>ORDER</b> - that the deft's shall be released pending trial upon the aforesaid conditions of release, which are set forth in a separate order entitled "Order Setting Conditions of Release". The govt. noted an appeal to the district judge of the deft's release and requested stay of release pending appeal - motion denied. (Mag. McCotter) CR. O.B. #9, P.58. Copies to AUSA and counsel of record. jp				
7-7-88 83.	<b>ORDER</b> - that defts motion for disclosure of information concerning member of grand juries in Fayetteville Division since 1980 is denied. (Mag. Dixon) CR. O.B.#9, P. 45. Copies to AUSA and counsel of record. jp				
7-11-88 84.	<b>RESPONSE TO MOTION TO CONTINUE</b> - filed by Govt. - lc: Judge Boyle jp				
7-11-88 85.	<b>ORDER</b> - that court finds that it would be inappropriate to order a stay of release and court will not reverse the Magistrate's order. U.S. further moves this court to review the conditions of release set by the Magistrate - the court reserves the right to consider this motion when specific objections are received. (Judge Boyle) CR. O.B.#9, P. 52. Copies to AUSA and counsel of record. jp				
7-11-88 86.	<b>ORDER</b> - that a hearing is scheduled for determination of conditions of release before Magistrate McCotter in New Bern, N.C. at 2:00 p.m., Tuesday 7-5-88 . (Judge Boyle) CR. O.B.#9, P. 51. Copies to AUSA and Counsel of record. jp				
7-11-88 87.	<b>ORDER</b> - that deft's motion to continue from July 11, 1988 to August 1, 1988 is granted and continuance will also be excluded from Speedy Trial Act computation as to Deft. Jacobs also under provisions of 18 U.S.C. §3161(h)(7). CR. O.B.#9, P. 50. Copies to AUSA and Counsel of record. jp	M-11-88 8-1-88	21		

UNITED STATES DISTRICT COURT  
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U. S. vs

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CLARK, John Edward, a/k/a Eddie Hatcher

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DATE 1988	PROCEEDINGS (continued)		V. EXCLUDABLE DELAY (a)      (b)      (c)      (d)
	(Document No.)		
7-13-88	88. <b>RESPONSE TO MOTION TO CHANGE VENUE OF TRIAL</b> - filed by Govt. 1c: Judge Boyle		jp
7-13-88	89. <b>MOTION FOR TEMPORARY MODIFICATION OF CONDITIONS OF RELEASE - AFFIRMATION BY RONALD L. KUBY</b> - Attorney - w/cs - 1c: Judge Boyle		jp
7-12-88	90. <b>SUPERSEDING INDICTMENT</b> - filed 1c: AUSA, USPO, USM, Judge Boyle, Mag. Dixon, Fayetteville Division and Counsel of record.		jp
7-14-88	91. <b>SUPPLEMENTARY RESPONSE TO MOTION FOR CHANGE OF VENUE</b> - 1c: Judge Boyle		jp
7-14-88	92. <b>MARSHAL'S RETURN</b> on Writ for John David Hunt for 7-11-88 at Raleigh, N.C. returned unexecuted because court postponed until later date.		jp
7-13-88	93. <b>UNPUBLISHED OPINION - CORRECTED OPINION</b> - Corrected as to pages 5,6 and 7 as to Judge Wilkins dissenting- Judge Wilkins would affirm the detention order. 1c: Judge Boyle & Mag. Dixon		jp
7-18-88	-- <b>ISSUED NOTICE TO APPEAR</b> for arraignment and trial on Monday, August 1, 1988 at 10:00 a.m. in Fayetteville, N.C. before Judge Boyle - Copies to AUSA, USPO, USM, Def's counsel, Joyce Todd - Civil Section, Court Reporter, Fay. Division, Judge Boyle (sent the deft's copy of the notice to their counsel because of no address)		jp
7-15-88	94. <b>RESPONSE TO MOTION FOR TEMPORARY MODIFICATION OF CONDITIONS OR RELEASE</b> - filed by Govt. w/cs - 1c: Judge Boyle		jp
7-15-88	-- <b>RECEIVED ORIGINAL RECORD ON APPEAL</b> from Fourth Circuit Court of Appeals in (6) volumes - (2) Volumes of pleadings and (4) volumes of transcripts.		jp
7-18-88	95. <b>APPEAL FROM MAGISTRATES ORDER FILED JULY 7, 1988 DENYING DEFENDANTS MOTION FOR DISCLOSURE OF INFORMATION ABOUT MEMBERS OF GRAND JURIES</b> - w/cs by: Bob Warren 1c: J. Boyle jh		
7-18-88	96. <b>JUDGMENT UNITED STATES COURT OF APPEALS</b> - It is ordered that the motion is granted and the time for filing a petition for rehearing is extended until July 25, 1988. If anytime prior to the expiration of the time period as extended the government determines not to seek rehearing counsel shall immediately notify the court in writing.		
7-25-88	97. <b>MOTION FOR CONTINUANCE</b> - w/c U.S. Attorney, 1c Judge Boyle	7-25-88	4
7-22-88	98. <b>AFFIDAVIT</b> AND MOTION FOR HABEAS CORPUS AD TESTIFICANDUM FOR John David Hunt, N.C. Department of Corrections Raleigh, N.C. AND WRIT Mr. Hunt to report on August 1, 1988 in Fayetteville, N.C. - Mag. Leonard, CR OB # 9, p 80 cys. to U.S. Atty. (ent. 7-27-88) ms	7-29-88	
7-27-88	99. <b>MOTION FOR TEMPORARY VARIATION OF CONDITIONS OF RELEASE</b> - w/cs Mr. John Bruce, Asst. U.S. Atty., 1c Judge Boyle ms		
7-26-88	100. <b>ORDER ( FOURTH CIRCUIT )</b> It is ordered that the motion is granted and the time for filing a petition for rehearing is extended until August 1, 1988. If anytime prior		

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DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
7-27-88	101	<b>ORDER</b> to the expiration of the time period as extended the government determines not to seek rehearing, counsel shall immediately notify the court in writing. John M. Greacen. Clerk.  I granted the defendant permission to participate in an interview with Brayboy. The Clerk is directed to serve copies of this order upon counsel of record and the defendants pretrial services officers. Mag. McCotter. CR OB #9, p 88 cys. dist. (ent. 7-28-88) ms				
7-26-88	102	<b>JUDGMENT FOURTH CIRCUIT COURT OF APPEALS</b> - Motion for stay of district court's order on remand and for stay or recall of the mandate of this court and the appellant's response it is ordered that the motions are denied without prejudice to the appellee's rights to renew these motions. John Greacen.				
7-28-88	103	GOVERNMENT'S PROPOSED JURY INSTRUCTIONS - w/cs counsel of record 1c Judge Boyle.				
	104	GOVERNMENT'S PROPOSEALS - w/cs Counsel of record, 1c Judge Boyle	ms			
7/28/88	105	DEFENDANTS' MOTION FOR EXCEPTIONAL VOIR DIRE PROCEDURES- w/attached MEMORANDUM IN SUPPORT & PROPOSED VOIRDIRE; cs to John Bruce; William Kunstler; Stephanie Y. Moore; Ronald L. Kuby; Horace Locklear; cy to Judge Boyle	bb			
"	105	DEFENDANTS' PROPOSED JURY INSTRUCTION ON THE DEFENSE OF NECESSITY-w/attached brief; cs to Mr. Bruce; cy to Judge Boyle	bb			
7/28/88	106	SUPPLEMENTAL MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS THE FIRST, SECOND, AND THIRD COUNTS OF THE INDICTMENT; cs to Mr. Bruce; cy to Judge Boyle	bb			
7-29-88	107	<b>MOTION TO QUASH SUBPOENA</b> - w/cs Counsel of Record, 1c Judge Boyle	bb			
	108	MEMORANDUM OF LAW - w/cs Counsel of record, 1c Judge Boyle with proposed order				
7-29-88	109	<b>ORDER</b> - that deft's motion to continue the trial now ordered for August 1, 1988 in Fayetteville, N.C. is denied and and the trial shall remain as scheduled. (Judge Boyle) CR. O.B.#9, P. 95. Copies to AUSA, USM, counsel of record. jp				
8-1-88	110	<b>MOTION IN LIMINE ON DEFENSE OF NECESSITY</b> - filed by Govt. 1c: Judge Boyle	jp			
8-1-88	111	<b>MOTION TO WITHDRAW AS COUNSEL</b> - Horace Locklear - 1c: Judge Boyle	jp			
8-1-88	112	<b>RESPONSE TO MOTION TO CONTINUE</b> - filed by Deft. - 1c: Judge Boyle	jp			
8-1-88	113	<b>MOTIONS IN LIMINE</b> - filed by Govt. - 1c: Judge Boyle	jp			
8-2-88	114	<b>MOTION FOR TEMPORARY MODIFICATION OF CONDITIONS OF RELEASE</b> - filed by deft. 1c: Judge Boyle	jp			
8-1-88	---	<b>AT FAYETTEVILLE - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Hearing on motions: Motion to continue the arraignment and trial				
		Case 3:88-cr-00007-B Document 102 Filed 02/09/88 Page 18 of 28				

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CLARK, John Edward a/k/a Eddie Hatcher

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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY		
		(a)	(b)	(c) (d)
8-1-88	<p>Deft. waived speedy trial in open court.            Motion for counsel Horace Locklear to withdraw is granted but deft. must retain local counsel as soon as possible.            Deft. ordered that if Mr. Kunstler is unavailable then he will seek other counsel by trial time.            Court ordered that Grand Jury transcripts that were given to the deft's counsel, not be copied except for use of counsel. jp</p>			
8-1-88 --	<b>AT FAYETTEVILLE - C.R. KAREN STARKING - NO JUDGE PRESENT</b> Attorneys present with probation officer and defts. Hearing on modification of bond conditions. Parties spoke with Mag. McCotter and order will follow. jp			
8-4-88 115.	<b>ORDER</b> - conditions of release of the deft's are modified as follows: (1) Deft. placed in the temporary custody of Barry Nakell. Each custodian agrees to supervise the deft. in accordance with all conditions of release, to use every effort to assure the appearance of the deft. at all scheduled court proceedings, and to notify the Court immediately in the event the deft. violate any condition of release or disappear. (2) Deft's shall report to the U.S. Probation Office once daily by telephone and once weekly in person and in the discretion of the U.S. Probation Office. (3) Deft. shall submit to urinalysis upon the request by the U.S. Probation Office to determine his compliance with the special condition which notes that the deft. shall not use or possess any narcotic drug or other controlled substance unless prescribed by a licensed medical practitioner. Except as modified herein, all of the terms and conditions of Order of 7-6-88 and separate Order setting conditions of release 7-5-88, remain in full force and effect. The parties acting as third party custodians shall sign a form "Order setting conditions of release" in Clerk's office, where these will be made part of the record. (Mag. McCotter) CR. O.B.#9, P. 100. Copies to AUSA, Counsel of record, U.S. Probation Office. jp			
8-4-88 116.	<b>ORDER</b> - that for reasons stated at a hearing on August 1, 1988. Court orders that case has been continued until a date is set by the Court at or following 9-19-88. Court made rulings regarding jury voir dire proceedings and has allowed the parties to discuss and attempt to agree upon questionnaire prior to August 8, 1988 and the clerk will send questionnaire to each prospective juror to be summoned in this case for return to the court no later than Sept. 15, 1988. Information will then be made available to counsel for the govt. and the deft's for their confidential use in assistance of jury selection in this case. Cases of the deft's remained consolidated for trial. (Judge Boyle) CR. O.B.#9, P. 101. Copies to AUSA, counsel of record. jp	8-1-88		

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DATE	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
8-4-88	--	Mr. Mason Thomas came into Clerk's Office and signed as third party custodian and copy was given to him of all special conditions of probation		jp		
8-3-88	117	ORDER that rehearing in banc is granted. Counsel will be notified of the schedule for submission of briefs and for oral argument. (John M. Greacen, Clerk - Fourth Circuit)		jh		
8-5-88	118	ORDER APPOINTING THIRD PARTY CUSTODIAN - the deft is placed in the custody of Mason Thomas. all of the terms and conditions of the Order of 7/6/88, the separate Order Setting Conditions of Release on 7/5/88 and my Order of 8/2/88, modifying conditions of release remain in full force and effect. Mag. McCotter - c: AUSA, USPO, Counsel jh				
8-8-88	119	RESPONSE TO DEFTS MOTION FOR EXCEPTIONAL VOIR DIRE PROCEDURES- by: John Bruce - w/cs 1c: J. Boyle jh				
8-8-88	120	NOTICE OF APPEARANCE - by: Barry Nakell, 1310 LeClair St. Chapel Hill, NC 27514 1c: AUSA, USPO, J. Boyle, Mag.	Dixon	jh		
8-8-88	121	GOVERNMENTS MOTION FOR SCHEDULING OF TRIAL ON DATE CERTAIN- by: John Bruce - w/cs 1c: J. Boyle jh	8-8-88			
8-9-88	122	MOTION FOR ADDITIONAL TIME TO RESPOND TO GOVERNMENTS MOTION QUASH SUBPOENA - w/cs by: Alan S. Gregory, Warren 1c: J. Boyle jh	TO	8-9-88		
8-9-88	123	MOTION FOR ADDITIONAL TIME TO FILE RESPONSE TO GOVERNMENTS MOTION IN LIMINE ON THE NECESSITY DEFENSE - w/cs by: Alan S. Gregory, Warren 1c: J. Boyle jh				
8-9-88	124	RESPONSE TO MOTION FOR EXTENSION OF TIME - by: John Bruce w/cs 1c: J. Boyle jh				
8-9-88	125	ORDER the court hereby memorizes its oral order continuing this case for trial on 8-1-88. The case will be reset to begin at a date after Sept. 19, 1988. Defts orally waived their right to a speedy trial in open court on 8/1/88. The futher finds that the delay necessitated by this continuance is to be excluded from speedy trial act computation. Due to the unpreparedness and scheduling conflicts of defense counsel the court finds that the ends of justice served by the granting of such continuance outweigh the best intersts of the public and the defts in a speedy trial. (J. Boyle) O.B.#9, P.107 c: AUSA, Counsel jh	8-1-88	49	9-19-88	
8-15-88	126	SUPPLEMENTAL MEMORANDUM OF DEFENDANTS EDDIE HATCHER AND TIMOTHY BRYAN JACOBS REGARDING CONDITIONS FOR RELEASE PENDING TRIAL - w/cs by: Barry Nakell - 1c: Mag. McCotter jh				
8-15-88	127	REQUEST FOR DISCLOSURE OF EXCULPATORY INFORMATION - w/cs by: Barry Nakell - 1c: Judge Boyle jh				
8-16-88	128	SUPPLEMENTARY RESPONSE ON VENUE OF TRIAL AND SCHEDULING TRIAL DATE - w/cs by: John Bruce - 1c: Faxed to J. Boyle on 8/16/88 jh				
8-16-88	129	RESPONSE TO MOTION FOR ADDITIONAL TIME TO RESPOND TO GOVT'S MOTION TO QUASH SUBPOENA - filed by Govt. - 1c: Judge Boyle jp				
8-19-88	130	DEFENDANTS RESPONSE TO GOVERNMENTS MOTION TO QUASH SUBPOENA - w/cs by: Barry Nakell - 1c: J. Boyle jh				
8-22-88	131	STATUS UNDATE ON DEFENDANTS EFFORTS TO NEGOTIATE WITH GOVERNMENT ON PRE-VENIRE JURY QUESTIONNAIRE - w/cs by: Alan S. Gregory 1c: J. Boyle jh				

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DATE	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
8-22-88	<b>132. ORDER TEMPORARILY MODIFYING CONDITIONS OF RELEASE -</b> the court grants a temporary modification of the conditions of release to permit the deft to spend the nights of Aug. 17 & 18, 1988 at the home of his Aunt Vera McMullin, in Rockingham, NC to attend the funeral and wake of Tina Hatcher. Thereafter, he will immediately return to the home of his third-party custodian. This modification is solely for the time and purpose specified herein and shall in no other way alter the existing conditions of release heretofore established for this deft. (Mag. McCotter, Jr.) c: AUSA, Counsel, USPO O.B.#9, P.131 jh				
8-23-88	<b>133. MOTION TO MODIFY CONDITIONS OF RELEASE TO PERMIT CONSULTATION with counsel.</b> - w/cs by: Kunstler - c: Mag. McCotter jh				
8-23-88	<b>134. MOTION FOR REINSTATEMENT OF RONALD L. KUBY AS ATTORNEY PRO HAC VICE.</b> - w/cs by: Kunstler - lc: J. Boyle jh				
8-24-88	<b>135 MOTION TO AMEND CONDITIONS OF RELEASE</b> - w/cs by: John Bruce, AUSA - lc: Mag. McCotter				
8-25-88	<b>136 DEFENDANTS REQUEST FOR DISCLOSURE OF EXCULPATORY INFORMATION</b> - w/cs by: Barry Nakell - lc: J. Boyle jh				
8-25-88	<b>137 DEFENDANTS MEMORANDUM IN OPPOSITION TO GOVT'S MOTION IN LIMINE ON DEFENSE OF NECESSITY</b> - w/cs by: Barry Nakell - lc: J. Boyle jh				
8-29-88	<b>138 DEFENDANTS REQUEST TO THE GOVERNMENT FOR WRITTEN ASSURANCE OF COMPLIANCE WITH F.R.CR.P. 16 IN SO FAR AS ALL TAPES AND TRANSCRIPTS IN ITS POSSESSION PERTAINING TO FEBRUARY 1, 1988</b> - w/cs by: Counsel for defts - lc: J. Boyle jh				
8-31-88	<b>139. ORDERED</b> that Deft's motion for reinstatement of counsel Ronald L. Kuby is denied.(Judge Boyle) CR. O.B.#9, P. 150. Copies to AUSA, Counsel of record. jp				
8-31-88	<b>140. ORDER</b> from the Fourth Circuit Court of Appeals that the appellee's motion for recall of the mandate issued 6-30-88 and appellant's response thereto - ORDERED that the motion is granted. The mandate is immediately recalled and the district court detention order reinstated. Entered at the direction of Judge Wilkins for the majority of the court. Copies to Judge Boyle and U.S. Marshal. jp				
9-1-88	<b>141. MEMORANDUM IN OPPOSITION TO MOTION TO AMEND CONDITIONS OF RELEASE</b> - filed by Deft. lc: Mag. McCotter jp				
9-1-88	<b>142. EX PARTE REQUEST FOR ISSUANCE OF WARRANT</b> - filed by Govt. lc: Mag. Leonard and Copies to AUSA jp				
9-1-88	<b>-- ISSUED WARRANT FOR ARREST</b> - Orig. & 1 copy to U.S. Marshal. jp				
9-1-88	<b>143. RESPONSE TO MOTION TO MODIFY CONDITIONS OF RELEASE TO PERMIT CONSULTATIONS WITH COUNSEL</b> - filed by Govt. lc: Judge Boyle jp				
9-1-88	<b>144. DEFENDANT'S REQUEST FOR DISCLOSURE OF (A) EXCULPATORY INFORMATION (B) SEARCH RESULTS</b> - lc: Judge Boyle jp				
9-1-88	<b>145. DEFENDANT'S MOTION FOR ORDER COMPELLING DISCLOSURE OF EXCULPATORY INFORMATION</b> - lc: Judge Boyle jp				
9-7-88	<b>146. MOTION TO QUASH ARREST WARRANT</b> - filed by Deft. lc: Judge Boyle jp				

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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-7-88	147. DEFENDANT'S REQUEST FOR TRIAL IN RALEIGH - filed by Defts. 1c: Judge Boyle		jp		
9-7-88	148. ORDERED that the Govt's motion to quash a subpoena of William A. Webb - govt. is ordered to make any further objections to this subpoena within (10) days from the date of this order or the motion will be denied. (Judge Boyle) CR. O.B.#9, P. 166. Copies to AUSA and counsel of record.		jp		
9-7-88	149. ORDERED that the motion of the deft. to modify conditions of release to permit him to travel from this district to New York between Sept. 10 and Sept. 14, 1988 - request of the deft. is moot and motion is denied. (Judge Boyle) Copies to AUSA and Counsel of record.		jp		
9-9-88	150. DEFENDANT'S SUPPLEMENTAL MEMORANDUM IN SUPPORT OF THEIR MOTION FOR EXCEPTIONAL VOIR DIRE PROCEDURES -filed by Deft. Copies to Judge Boyle		jp		
9-9-88	151. ORDERED that deft's motion to compel discovery file stamped 9-1-88 is denied. (Mag. Dixon) CR. O.B.# 9, P. 145. Copies to AUSA and counsel of record.		jp		
9-12-88	152. RESPONSE TO DEFT'S MOTION FOR ORDER COMPELLING DISCOVERY OF EXCULPATORY INFORMATION - filed by Govt. 1c: Mag. Dixon		jp		
9-13-88	153. SUPPLEMENTAL MEMORANDUM IN SUPPORT OF MOTION TO QUASH ARREST WARRANT - filed by Deft. - Copies to Judge Boyle		jp		
9-14-88	154. DEFT'S APPEAL TO THE DISTRICT JUDGE FROM THE MAGISTRATE'S ORDER FILED 9-9-88 DENYING THEIR MOTION FOR ORDER COMPELLING DISCLOSURE OF EXCULPATORY INFORMATION - 1c: Judge Boyle		jp		
9-14-88	155. MOTION FOR ISSUANCE OF NOTICE OF ARRAIGNMENT AND TRIAL - filed by Deft. 1c: Judge Boyle		jp		
9-15-88	-- ISSUED NOTICE TO APPEAR for arraignment on Sept. 19, 1988 at 3:00 p.m. in Raleigh, N.C. before Judge Boyle - Copies to AUSA, USPO, USM, Counsel of record, Court Reporter, Joyce Todd - Civil Section, Judge Boyle		jp		
9-16-88	156. MOTION TO DISMISS INDICTMENT (SUPERSIDING) FILED 7-12-88 - filed by Deft's - 1c: Judge Boyle		jp	Q-16-88	
9-16-88	157. RURAL ADVANCEMENT FUND JUSTICE PROJECT RESOLUTION -(to be placed in the file per: Judge Boyle) Copies to AUSA, counsel of record.		jp	Q-23-88	
9-16-88	158. MOTION TO ADD NATIVE AMERICANS TO JURY PANEL - filed by Deft. 1c: Judge Boyle		jp	Q-16-88	
9-16-88	159. MEMORANDUM IN SUPPORT OF MOTION TO ADD NATIVE AMERICANS TO JURY PANEL - 1c: Judge Boyle		jp	Q-23-88	
9-16-88	160. RESPONSE TO MOTION TO QUASH ARREST WARRANT - filed by Govt. 1c: Judge Boyle		jp		
9-19-88	161. DEFT'S REQUEST FOR (1)DISCLOSURE OF EXCULPATORY INFORMATION, (2)DISCLOSURE OF DISCOVERY INFORMATION - 1c: Judge Boyle		jp		
9-19-88	162. DEFT'S MOTION FOR AN ORDER SETTING A TRIAL DATE; MOTION FOR A TRIAL DATE LATE IN THE WEEK OF OCTOBER 10, 1988 OR A FEW DAYS LATER: OBJECTION TO SEPARATE TRIAL FOR TIMOTHY JACOBS - 1c: Judge Boyle		jp		
*9-9-88	Vcl. TRANSCRIPT of Change of custody hearing heard in Fayetteville, N.C. on Monday, August 1, 1988 - C.R. Karen Starkings		jp		
*9-14-88	Vcl. TRANSCRIPT of Bond Hearing on July 5, 1988 before The Hon. Charles K. McCotter, Jr. U.S. Magistrate		jp		

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U.S. vs

CLARK, John Edward, a/k/a Eddie Hatcher

88-7-01-CR-3

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DATE 1988	(Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
			(a)	(b)	(c)	(d)
*9-14-88	Vol.	TRANSCRIPT of trial proceedings in New Bern, N.C. on August 1, 1988 before The Hon. Terrence W. Boyle, C.R. - Donna Tomawski - Pages 1-51.	jp			
9-19-88	163.	AFFIRMATION OF COUNSEL - filed by Deft. 1c: Judge Boyle	jp			
9-19-88	164.	MOTION TO QUASH A SUBPOENA for William A. Webb, AUSA - filed by Govt. 1c: Judge Boyle	jp			
9-19-88	165.	MEMORANDUM OF LAW IN SUPPORT OF MOTION TO QUASH A SUBPOENA - filed by Govt. 1c: Judge Boyle	jp			
9-19-88	166.	NOTIFICATION with affidavit attached filed by Govt. - 1c: Judge Boyle	jp			
9-20-88	167.	ISSUED NOTICE For Trial on Sept. 26, 1988 at 10AM in Ral, NC Before J. Boyle - c: AUSA, USPO, USM, Counsel, Joyce Todd-Civil, Court Reporter, J. Boyle	jh			
9-20-88	168.	SUPPLEMENT TO MEMORANDUM - w/cs by: James G. Carpenter, AUSA 1c: J. Boyle	jh			
9-21-88	169	RESPONSE TO DEFENDANTS APPEAL FROM MAGISTRATES ORDER DENYING MOTION TO COMPEL DISCOVERY -w/cs cys. of record, 1c Judge Boyle.	ms			
	170	DEFENDNAT'S MOTION FOR RELEASE PENDING TRIAL - w/cs U.S. Atty., 1c Judge Boyle				
	171	DEFENDANT'S REPLY TO GOVERNMENT'S RESPONSE TO MOTION TO QUASH ARREST WARRANT - w/cs U.S. Atty., 1c Judge Boyle				
	172	REQUEST FOR BRADY IN LETTER FORM - w/cs Counsel, 1c Judge Boyle				
	173	RESPONSE TO " AFFIRMATION OF COUNSEL" AND RELATED DEFENSE DOCUMENTS -w/cs co-counsel, 1c Judge Boyle.	ms			
9-20-88	174	ORDER the defendants motion to reopen detention hearing, for revocation of detention order, for release pending trial, and the motion to quash arrest warrant are DENIED. (O.B.#9, P.191) (J. Boyle) c: AUSA, Counsel of Record	jh			
9-22-88	175	GOVERNMENTS SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS: w/cs by: J. Bruce, AUSA - 1c: J. Boyle	jh			
9-22-88	176	DEFENDANTS MOTION FOR VOIR DIRE QUESTIONS - w/cs by: Bob Warren - 1c: J. Boyle	jh			
9-23-88	177	MOTION IN LIMINE - w/cs by: Lewis Pitts - 1c: J. Boyle	jh			
9-23-88	178	ORDER on U.S. motion in limine is DENIED. - O.B.#9, P.196 1c: AUSA, Counsel of Record	jh			
9-23-88	179	ORDER on defts motion for release pending trial. The motion for release pending trial is totally without merit, particularly in light of the defts flight and violation of the court's previous orders regarding pretrial release (J. Boyle) O.B.#9, P.195 - c: AUSA, Counsel	jh			
9-23-88	180	ORDER upon motion of the U.S. to quash a subpoena directed to AUSA William A. Webb. The motion is hereby ALLOWED. (J. Boyle) O.B.#9, P.194 c: AUSA, Counsel	jh			
9-23-88	181	ORDER upon defts motion to Add Native Americans to Jury Panel. The motion is DENIED. O.B.#9, P.197 c: AUSA, Counsel of Record	jh			

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		(a)	(b)	(c)	(d)
9-23-88	182 ORDER on defts motion to dismiss indictment (Superseding filed July 12, 1988 is DENIED (J. Boyle) O.B.#9, P.198 c: AUSA, Counsel jh				
9-23-88	183 ORDER the ruling of the court heretofore made respecting the defendant Jacobs on his request for voir dire procedures and peremptory challenges are incorporated with respect to the deft Clark (J. Boyle) O.B.#9, P.199 c: AUSA, Counsel jh				
9-23-88	184 ORDER on pending motion to quash the arrest warrant issued by Magistrate Leonard on Sept. 1, 1988 and directed to the deft John E. Clark. The deft is now in custody and the motion to quash the warrant of arrest is therefore no longer ripe for review by this court, and the court is of the opinion that the motion has become moot. (J. Boyle) O.B.#9, P.200 c: AUSA, Counsel of Record jh				
9-23-88	185 MOTION TO QUASH SUBPOENAS - w/cs by: David W. Long - 1c Faxed to J. Boyle w/attachments jh			9-23-88	18
9-23-88	186 MEMORANDUM IN SUPPORT OF MOTION TO QUASH SUBPOENAS - w/cs by: David W. Long - 1c: Faxed to J. Boyle jh			10-11-88	
9-23-88	-- ORDERED - Re: subpoenas issued pursuant to Rule 17(b) jh				
9-23-88	187. MOTION TO QUASH SUBPOENA AND SUBPOENA DUCES TECUM - w/cs - 1c: Judge Boyle jp			9-23-88	
	188. MEMORANDUM OF LAW IN SUPPORT OF MOTION TO QUASH SUBPOENA AND SUBPOENA DUCES TECUM - w/cs 1c: Judge Boyle jp			10-11-88	
9-26-88	189 NOTICE - by: Arnold Locklear - w/cs 1c: J. Boyle jh				
9-26-88	190 MOTION TO QUASH SUBPOENA - w/cs by: Arnold Locklear 1c: J. Boyle jh				
9-22-88	192 ORDER Pursuant to the ex parte motion of defts for issuance of subpoenas at govt expense under Rule 17(b) of the Federal Rules of Crim. Pro., the U.S.M. is directed to make service of the subpoenas attached to this order. (J. Rich Leonard) c: J. Boyle jh				
9-23-88	191 U.S. Court of Appeals for the Fourth Circuit Decision - Upon consideration of appellants motion for reconsideration and withdrawal of order filed 8/26/88 insofar as it purports to reinstate the detention order; and dismissal of the appeal as moot and the governments response, IT IS ORDERED that the motions are denied. (John M. Greacen, Clerk) c: J. Boyle jh				
9-23-88	192 ORDER in which the defts seek an order of the court in limine instructing counsel for the govt not to mention "terrorism, " "terrorists," "terrorist acts," and alledged incidents of terrorism or hostage-taking, or alleged terrorist groups, in connection with this case. the motion is DENIED. O.B.#9, P.202 (J. Boyle) c: AUSA, J. Boyle, Counsel jh				
9-23-88	193 ORDER on motions of the defts objecting to a separate trial for each deft. - the court has now scheduled their joint trial of the defts, the court has now scheduled their joint trial to commence Sept. 26, 1988. Upon defts motion to continue the trial of this matter IS DENIED. (J. Boyle) c: AUSA, Counsel, J. Boyle O.B.#9, p.203 jh				
9-26-88	RECEIVED: Field Report - 9/19/88 Subject arrested at RDU Airport c: Crim Clerk jh				

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-26-88	194 MARSHALS RETURN on Warrant for Arrest on Order of the Court (Date Received 9/1/88) Date of Arrest 9/19/88 Bill Dickinson, DUSM jh				
9-26-88	195 CERTIFIED COPY OF ORDER on Petition for Writ of Mandamus - IT IS ORDERED that the petition is denied. John M. Greacen, Clerk) 1c: J. Boyle jh				
9-27-88	196 MOTION TO QUASH SUBPOENA AND INCORPORATED MEMORANDUM OF F.R. Crim. P.17 - with attachments and affidavit - w/cs by: Ray Vallery - 1c: J. Boyle jh				
9-27-88	197 MOTION FOR SEQUESTRATION OF WITNESSES - w/cs by: J. Bruce, AUSA - 1c: J. Boyle jh				
9-27-88	198 SUPPLEMENT TO RECORD ON BRADY REQUESTS - w/cs by: John Bruce, AUSA - 1c: J. Boyle jh				
9-30-88	199 MOTION TO QUASH SUBPOENA SERVED ON SOUTHERN BELL - w/cs by: David W. Long 1c: J. Boyle jh				
9-30-88	200 MOTION TO QUASH SUBPOENA DUCES TECUM - w/cs by: G. Patrick Murphy, Asst. A.G. - 1c: J. Boyle jh				
9-30-88	201 MOTION TO QUASH SUBPOENA DUCES TECUM - w/cs by: G. Patrick Murphy Asst. A.G. - 1c: J. Boyle jh				
*9-26-88	202 EXHIBIT "A" Affidavit - with attachment - w/cs 1c: J. Boyle jh				
10-3-88	203 MOTION TO QUASH A SUBPOENA - w/cs by: Thomas P. Swaim 1c: J. Boyle jh				
10-3-88	204 MEMORANDUM OF LAW IN SUPPORT OF MOTION TO QUASH A SUBPOENA - w/cs by: Thomas P. Swaim w/attachments 1c: J. Boyle jh				
10-3-88	205 NOTICE OF APPEAL BY: Bob Warren - w/with attached order dated NUNC PRO TUNC 9-20-88 - 1c: 4th Circuit - Counsel jh				
10-3-88	206 NOTICE OF APPEAL -By: Bob Warren for William M. Kunstler w/cs - with attached order dated 9/23/88 c: 4th Circuit - Counsel jh				
10-3-88	207 NOTICE OF APPEAL - BY: Bob Warren for William M. Kunstler w/cs - with attached order dated 9/23/88. c: 4th Circuit - Counsel jh				
10-3-88	208 CERTIFICATE OF SERVICE - for Notice of Appeal by: Stephanie Y. Moore - c: 5th Circuit jh				
10-5-88	209 MOTION TO QUASH SUBPOENA DUCES TECUM SERVED ON SOUTHERN BELL COMPANY AND TO SEAL TELEPHONE TOLL RECORDS - w/cs by: G. Patrick Murphy - w/cs 1c: J. Boyle jh				
10-5-88	210 ORDER that the toll records of Burnice Wilkins, Hubert Stone, Stanley Eugene Clark, Kevin Stone, and Billy Stone produced by Southern Bell pursuant to a subpoena duces tecum be filed under seal pending further order of this court. O.B.#9, P.218 - c: AUSA, Counsel jh				
10-5-88	211 ORDER Pursuant to Rule 17(b) of the Federal Rules of Criminal Procedure, the USM is directed to make service of subpoenas upon Rod Johnson, David McCoy, and Carmel Locklear. (J. RichLeonard-Clerk) O.B.#9, P.217 c: AUSA, Counsel jh				
10-5-88	212 GOVERNMENT'S SUPPLEMENT TO THE RECORD ON DEFENDANT'S MOTIONS TO COMPEL DISCLOSURE OF EXCULPATORY INFORMATION - w/cs by: John Bruce - 1c: J. Boyle jh				

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DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-6-88	213 UNPUBLISHED OPINION - U.S. Court of Appeals - Judge Phillips jh				
10-6-88	214 ORDER - on appeal from the magistrates order, filed 7/7/88. This court finds that the magistrates order of 7/7/88 should be affirmed - (O.B.#9, P.228) c: AUSA, Counsel jh				
10-6-88	215 ORDER by a majority vote of the active judges of this court, sitting en banc, the ditrict courts order filed 4/25/88 is hereby affirmed. The mandate shall issue immediately. A formal opinion will be forthcoming. (John M. Greacan, Clerk, Fourth Circuit) c: J. Boyle, Counsel, AUSA jh				
10-7-88	216 MEMORANDUM OF LAW AT CLOSE OF THE GOVERNMENTS EVIDENCE - w/cs by: J. Bruce, AUSA w/attachments - 1c: J. Boyle jh				
10-7-88	217 MEMORANDUM OF LAW IN SUPPORT OF MOTION FOR RECONSIDERATION governments motion to quash a subpoena - w/cs by: Thomas P. Swaim, AUSA 1c: J. Boyle jh			OF	P.
10-7-88	218 MOTION FOR RECONSIDERATION OF GOVERNMENTS MOTION TO QUASH A SUBPOENA - w/cs by: Thomas P. Swaim, AUSA 1c: J. Boyle jh				
10-7-88	219 ORDER AND MEMORANDUM OPINION - on Sept. 23, 1988 the court filed and order granting the U.S. motion to quash a subpoena directed to AUSA William A. Webb. At the time the court announced that a memorandum opinion would be filed in connections with that order. the court DENIES the deft's motion and states its reasoning for its initial order. (J. Boyle) c: AUSA, Counsel jh				
10-10-88	220 GOVERNMENTS SECOND SUPPLEMENTAL PROPOSED JURY INSTRUCTIONS- w/cs by: J. Bruce, AUSA - 1c: J. Boyle jh				
10-10-88	221 STATEMENT OF BARRY NAKELL - w/cs by: Nakell 1c: J. Boyle jh				
10-11-88	222 ORDER AND CERTIFICATE OF NAME CHANGE from State of N.C.- for John Edward Clark to Eddie Hatcher - 1c: J. Boyle jh				
10-13-88	223 ORDER OF CONTEMPT - w/cs by: J. Boyle (re: Lewis Pitts) jh				
10-17-88	224 MOTION TO PURGE FILE OF TELEPHONE TOLL RECORDS BY: Patrick Murphy, N.C. Dept. of Justice 1c: J. Boyle jh				
10-17-88	225 ORDER that govt. exhibits be returned to John Bruce, Asst. U.S. Atty. (Judge Boyle) CR. O.B. #10, P. 12. Copies to AUSA				
10-18-88	-- Exhibits returned to AUSA - John Bruce per order: 10-17-88	jp			
10-19-88	226. MOTION FOR RELEASE OF TELEPHONE RECORDS OBTAINED PURSUANT TO ISSUANCE OF A SUBPOENA DUCES TECUM UNDER F.R.CR.P. RULE 17(c) - filed by Deft. (Atty. Gregory ) 1c: Judge Boyle		jp		
10-19-88	227. RESPONSE TO "MOTION FOR RELEASE OF TELEPHONE RECORDS OBTAINED PURSUANT TO THE ISSUANCE OF A SUBPOENA DECUS TECUM UNDER F.R.CR.P. Rule 17(c) - filed by AUSA - 1c: Judge Boyle		jp		
10-20-88	228. ORDER that Deft's motion for dismissal of superseding Indictment because of alleged prosecutorial misconduct is moot and the motions are denied. (Judge Boyle) CR. O.B. #10, P. 11 - Copies to AUSA & counsel of record		jp		
10-24-88	229. CERTIFIED COPY OF ORDER FROM FOURTH CIRCUIT - ordered that appeals are consolidated and further ORDERED that the appeals are dismissed as moot 1c: Judge Boyle		jp		

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U. S. vs

CLARK, John Edward, a/k/a Eddie Hatcher

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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
10-24-88	230. ORDER FOR DISMISSAL - dismissing the Original Indictment filed 2-9-88 for the reason that a Superseding Indictment was filed on 7-12-88 (Judge Boyle) CR. O.B. #10, P. 6. Copies to AUSA, Counsel of record & Judge Boyle				
10-26-88	231. ORDER that clerk is directed to return exhibits to counsel of record by order of this court and any exhibits or material received by the Clerk from witnesses in compliance with subpoenas to produce shall be returned to the witnesses in compliance with subpoenas to produce shall be returned to the witnesses as the issues in this case have been rendered moot. (Judge Boyle) CR. O.B.#10, P. 10. Copies to AUSA & counsel	jp			
* 9-19-88	-- AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE  Deft. called out in open court - Deft. not present. Deft's counsel - Mr. Nakell request that Judge Boyle delay arraignment awaiting arrival of deft. - denied. Court arraigned deft. in absence and court entered Not Guilty plea on all counts. Case set for Jury Trial Sept. 26, 1988 at 10:00 a.m. Deft's request for ruling on pending motions - Court stated that motions would be ruled on before time of trial.			jp	
* 9-26-88	-- AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE  Deft's motion to continue trial - denied. Deft's motion to withdraw Mr. Nakell as counsel - granted. Court directed Stephanie Moore from the firm of Mr. Kunstler to provide representation for the deft. - Stephanie Moore declined. Deft's motion for continuance of trial - denied. Deft. to proceed with out counsel. Jurors present and sworn and began voir dire. Court recessed until 9-27-88.		jp		
*9-27-88	-- AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE  Jury present and court continued with voir dire. Jury excused for recess and Deft. motion that they challenged Jury selection - Court reserves ruling. Jury returned and court proceeded with Jury selection. Court rules on the objections to jury selection - rules that strikes would not fall under the case cited and Court proceeded with Jury selection. Jury selected and (3) alternates chosen. Court recessed until 9-28-88.		jp		
*9-28-88	-- AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE  Court arraigned Deft. Hatcher and the deft. was non-responsive and the Court entered a plea of not guilty for the deft. on all counts. Court ruled on the motions to quash that they will be heard at later date and the parties will be notified. Jury present and impanelled. Court's opening instructions to the Jury. Govt. made opening statements. Deft. Hatcher made no opening statements.		jp		

UNITED STATES DISTRICT COURT  
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DATE 1988	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
9-28-88	Govt. proceeded with evidence Court recessed until 9-29-88		jp		
9-29-88	<b>AT RALEIGH - C.R. - DONNA TOMAWSKI - JUDGE BOYLE</b> Motions before the court without presence of jury. Deft's motion for ruling of Appeal of racial composition of Grand Jury - Court reserves ruling. Motion of the deft's for daily transcription - or be able to tape proceedings needed themselves. Court ruled that deft. could not tape proceedings and will rule on daily transcription later. Deft's motion that deft's be able to carry their medicine bags (necklaces). Court ruled that deft. could wear his. Jury present in courtroom and Jury trial continued. Govt. continued with evidence. Court ruled before the evening recess on the motion for daily transcripts. - Local rules prohibit Attys. taping proceedings in the courtroom but if there are certain parts that the Attys. need during the trial the court will try to provide transcripts for counsel. Court recessed until 9-30-88.		jp		
9-30-88	-- <b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury trial continued. Motions out of the presence of the Jury. Deft's motion to dismiss Indictment because of comments made by U.S. Attorney to the Jury - denied. Court recessed until 10-3-88.		jp		
10-3-88	-- <b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continued. Govt. proceeds with evidence Court recessed until 10-6-88.				
10-6-88	-- <b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continued - Govt. proceeded with evidence. Court recessed until 10-7-88.				
10-7-88	-- <b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continued - Govt. proceeded with evidence. Govt. rests. Jury excused until 10-10-88 Deft's motion pursuant to Rule 29 - Motion for Judgment of acquittal as to hostage taking and all other counts in the Indictment. Court rules that as to Cts. 4,5 & 6 - denied. Cts. 2 & 3 - reserves ruling As to Count 1 - if Cts. 2 & 3 are dismissed. The Court will strike from Ct. 1 - Overt Act #4 Ct. 7 - denied Court recessed until 10-10-88.		jp		
10-10-88	-- <b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Out of presence of Jury - Court rules on motion of the deft. for Rule 29 - Motion for Judgment of acquittal. Ct. 2- premature Ct. 3 - denied. Deft. requested recess for the day because of orders filed late on 10-7-88 - denied. Court ruled that deft. shall proceed with evidence.		jp		

CONTINUATION SHEET

United States of America		DEFENDANT	DOCKET NO. 88-7-01-CR-3
DATE 1988	NR.	PROCEEDINGS	PAGE ____ OF ____ PAGES
10-10-88	(cont.)	Deft's request for evidentiary hearing on Govt's conduct - Court reserved ruling. Jury returned and Deft. proceeded with evidence. Jury excused to return on 10-11-88. Court recessed until 10-11-88.	
10-11-88	--	<b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> - Jury Trial continues Deft. Jacobs continued with evidence. Court excused Jury to hear motions to quash subpoenas on the following: Bernice Wilkins; Hubert Stone; Eugene Clark; Kevin Stone; Billy Stone; Ted Parker; Milton Hunt; McDuffie Cummings; Bill Harding; Bob Bleeker - allowed as to evidence only. Jury returned to the courtroom and deft. Hatcher proceeded with evidence. Court excused Jury to return on 10-12-88 Court heard motion to quash subpoena on Randy Myers & James Bowman - allowed as to evidence only. Court stated that at bench conference that Mr. Lewis Pitts was held in contempt of court and court will defer ruling until later in the case and will allow Mr. Pitts to respond. Mr. Pitts stated that Mr. Barry Nakell will represent Mr. Pitts at the hearing. Court recessed until 10-12-88.	
10-12-88	--	<b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continues - Deft. Hatcher continues with evidence. Deft's rests and Govt. presented rebuttal evidence. Govt. rests and Jury excused from the courtroom. Deft. Hatcher's Judgment of acquittal on the following counts: Count 1 - Overt Act #4 - allowed Count 2 - court reserved ruling Count 3 - court reserved ruling Count 4 - denied Count 5 - denied Count 6 - denied Count 7 - denied Jury instructions discussed with attorneys. Jury returned to the courtroom and excused until 10-13-88. Court recessed until 10-13-88.	jp
10-13-88	--	<b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continues - Govt. proceeded with closing arguments (opening summation) Closing argument made by Deft. Hatcher Govt. made closing summation Court gives Jury Charge - Jury instructions Jury retired to deliberate - Alternate Jurors excused from service Court recessed awaiting return of the Jury. Court reconvened to discuss written question by Jury with counsel. Jury returned to jury room for further deliberations. Court recessed and excused Jury until 10-14-88.	jp
10-14-88	--	<b>AT RALEIGH - C.R. DONNA TOMAWSKI - JUDGE BOYLE</b> Jury Trial continues - Jury present and court returned them to	jp

CONTINUATION SHEET

United States of America		DEFENDANT	DOCKET NO. _____ PAGE ____ OF ____ PAGES
DATE	NR.	PROCEEDINGS	
1988			
10-14-88	(Cont.)	Court reconvened to discuss written question from jury in open court. Jury returned to jury room and court recessed awaiting return of verdict. Jury returned with a verdict as follows: Count 1 - Not Guilty Count 2 - Not Guilty Count 3 - Not Guilty Count 4 - Not Guilty Count 5 - Not Guilty Count 6 - Not Guilty Count 7 - Not Guilty 232. <b>JURY VERDICT FILED IN OPEN COURT</b> Deft. released.	jp
10-24-88	233.	<b>ORDER</b> returning deft's exhibits - (Judge Boyle) CR. O.B.# 10, P.14	
10-28-88	--	Exhibit returned to Deft's counsel Mr. Barry Nakell.	jp
10-14-88	234.	<b>JUDGMENT INCLUDING SENTENCE UNDER THE SENTENCING REFORM ACT</b> - the defendant is adjudged NOT GUILTY of Counts 1,2,3,4,5,6 & 7. CR. O.B.#10, P. 20. Copies to AUSA, USPO, DEFT., COUNSEL OF RECORD & Judge Boyle (Ent. 11-1-88)	jp
10-31-88	235.	<b>CORRECTED ORDER FROM FOURTH CIRCUIT COURT OF APPEALS</b> - Ordered appeals are consolidated and the appeals are dismissed as moot. Entered at the direction of Judge Phillips with the concurrence of Judge Ervin & Judge Wilkins - lc: Judge Boyle	jp
11-1-88	236.	<b>MARSHAL'S RETURN</b> on Writ for John David Hunt executed 10-25-88 returning him to North Carolina Department of Corrections by William Berryhill - USM	jp

UNITED STATES DISTRICT COURT  
CRIMINAL DOCKET

U. S. vs

AO 256A \*

CLARK, JOHN EDWARD  
a/k/a Eddie Hatcher

88-7-01-CR-3

Yr. Docket No. Def.

DATE	PROCEEDINGS (continued) (Document No.)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)
1-11-89	<b>PUBLISHED OPINION OF THE FOURTH CIRCUIT COURT OF APPEALS</b> - Appeal from a district court order of detention pending trial on criminal charges. We affirm.				
2-3-89	<b>PUBLISHED OPINION FROM FOURTH CIRCUIT COURT OF APPEALS</b> - Decided 1/9/89 Affirmed jh				
1-9-89	<b>JUDGMENT FOURTH CIRCUIT COURT OF APPEALS</b> - It is now here ordered and adjudged by this Court that the judgment of the said District Court appealed from, in this cause, be, and the same is hereby, affirmed (John M. Creacen, Clerk) jh				
6/29/89	MANDATE of 4th Circuit-IT IS ORDERED THAT the cases are consolidated; IT IS FURTHER ORDERED that the appeals are dismissed as moot; Entered at the direction of Judge Phillips with the concurrence of Judge Ervin and Judge Wilkins; John M. Greacen, Clerk				
10/24/94	<b>TRANSCRIPT FILED - OF MOTION HEARING HELD 9/26/88</b> before Judge Boyle (C.R. Donna Tomawski)(Pgs. 1-71) b11				
10/24/94	<b>TRANSCRIPT OF JURY TRIAL (VOL. I - 9/28/94)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 1-128) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL II - 9/29/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 130-350) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL III - 9/30/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 352-518) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL IV - 10/3/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 520-676) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. V - 10/6/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 678-818) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. VI - 10/7/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 820-988) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. VII - 10/10/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 990-1117) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. VIII - 10/11/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgd. 1120-1356) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. IX - 10/12/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 1357-1444) b11				
	<b>TRANSCRIPT OF JURY TRIAL (VOL. X - 10/13/88)</b> before Judge Boyle (C.R. Donna Tomawski) (Pgs. 1445-1462) b11				
4/17/95	<b>TRANSCRIPT OF PORTION OF TRIAL TRANSCRIPT OF TESTIMONY</b> - before J. Boyle and Jury on 10/12/88/C.R. Donna Tomawski) pgs. 1-14 b11				
	<b>TRANSCRIPT OF PORTION OF TRIAL TRANSCRIPT OF TESTIMONY</b> - before J. Boyle and Jury on 10/12/88/C.R. Donna Tomawski) pg. 1-33 b11				

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DATE (Document No.)	PROCEEDINGS (continued)	V. EXCLUDABLE DELAY			
		(a)	(b)	(c)	(d)